

CITY OF ALAMEDA ORDINANCE No. _____
New Series

AMENDING SECTION 30-7 OF THE ALAMEDA MUNICIPAL CODE RELATED
TO THE OFF-STREET PARKING AND LOADING SPACE REGULATIONS

Approved as to Form

City Attorney

BE IT ORDAINED by the City Council of the City of Alameda:

Section 1. Findings.

In enacting this Ordinance, the City Council finds as follows:

1. The amendments maintain the integrity of the General Plan. The proposed zoning text amendments are necessary to ensure that the off street parking regulations support General Plan policies related to economic development, sustainability, and the use of alternative modes of transportation. The proposed amendments will support the vital mixed use, pedestrian oriented shopping districts that are envisioned in the General Plan.
2. The amendments will support the general welfare of the community. The proposed zoning text amendment will not negatively affect the general welfare of the community. The amendments ensure that new, small businesses will be able to invest in Alameda and that uses that have a low parking demand will not be unfairly penalized by excessive parking requirements.
3. The amendments are equitable. The proposed zoning amendment is equitable in that it supports small businesses and property owners that are interested in investing in Alameda and provides processes for unnecessary parking requirements to be waived or reduced.

Section 2. Sections 30-7.1 and 30-7.2 of the Alameda Municipal Code are hereby amended to read as follows:

30-7.1 Intent.

The following off-street parking and loading requirements are established in order to achieve, among others, the following purposes:

- a. To relieve congestion on streets, and to provide more fully for the flow movement of traffic, including improving maneuvering of transit and emergency vehicles or street maintenance equipment;
- b. To protect neighborhoods from parking and vehicular traffic congestion generated by the adjacent nonresidential districts;

c. To promote the general welfare and convenience and prosperity of residential, commercial and manufacturing developments which depend upon the availability of off-street parking facilities.

d. To support and promote the economic viability and rehabilitation of Alameda's historic, pedestrian-oriented commercial districts; and

e. To ensure consistency between the City of Alameda's parking policies and regulations, pedestrian, bicycle, and transit policies, historic preservation policies, and environmental and green house gas reduction policies.

30-7.2 Accessory Parking Spaces Required.

Accessory off-street parking spaces (including access driveways) shall be provided in accordance with the schedule in subsection 30-7.6 and in conformance with other provisions of this article as a condition precedent to the occupancy of: ~~any use, and in conformance with other provisions of the article~~

a. ~~For all n~~New buildings;

b. ~~For all~~ New dwelling units ~~and floor area added to existing buildings;~~

c. ~~For a~~Any expansion of existing nonresidential buildings, which in any ten (10) year period would either, (i) be more than twenty-five (25%) percent of the existing gross floor area, (ii) require five (5) or more additional parking spaces as determined by the provisions of subsections 30-7.5, 30-7.6, or (iii) remove any existing on-site parking spaces required by this article.

~~d. For any change of use, number of employees, or seating capacity of an existing building less than ten (10) years old which is changed in a manner that would require twenty (20%) percent or five (5) or more additional off-street parking spaces as determined by the provisions of subsections 30-7.5 and 30-7.6;~~

d. Any change in use requiring a conditional use permit. When making a finding for the approval of a use permit for a use in an existing building, the Planning Board may require that additional newly created parking be provided on or off-site or that measures be imposed to reduce parking demand in accordance with Section 30-7.13. Any additional parking proposed in the public right of way shall be subject to the review of the Public Works Director.

e. ~~For Any Change From Residential to Nonresidential Use.~~ When changes of use or building expansions require additional parking, the total amount of parking required for the site shall be reduced by the amount of parking required by subsections 30-7.5 and 30-7.6, but legally not previously provided, for the prior use.

Section 3. Sections 30-7.6, 30-7.7, and 30-7.8 of the Alameda Municipal Code are hereby amended to read as follows:

30-7.6 Schedule of Required Minimum and Maximum Off-Street Parking Space.

~~Residential Uses.~~

~~1. Dwelling Units with three thousand (3,000) sq. ft. or less, of conditioned space—two (2) spaces per unit~~

~~2. Dwelling Units with over three thousand (3,000) sq. ft. of conditioned space—three (3) spaces per unit.~~

~~3. Notwithstanding the allowances of subsection 30-20: "Nonconforming Buildings and Uses," additional parking spaces, at the rate of one (1) per five hundred (500) sq. ft. of newly added conditioned space, shall be provided when a dwelling unit which is without the parking spaces required by paragraphs 1. or 2. is to be enlarged.~~

~~(a) No additional spaces, as otherwise required by this paragraph, are required once compliance with paragraphs 1. or 2. is achieved.~~

~~(b) Notwithstanding the requirements for perimeter landscaping prescribed by subsection 30-7.10a.2., existing driveways may be considered as parking space(s) if the proposed space(s) will be in conformance to the location requirements of subsection 30-7.8a.1., and the dimensional requirements of subsection 30-7.9.~~

~~4. Senior housing (see definition for restrictions)—Three fourths (3/4) space per dwelling unit; lower requirement may be approved by the Planning Board by the Permit if lower parking demand can be demonstrated.~~

~~5. Rooming house/bed and breakfast—One (1) space per guest room plus one (1) space for resident family.~~

~~6. Hotel/Motel—One and one quarter (1 1/4) spaces per guest room plus space for resident manager.~~

~~7. Residential care facility—One (1) space per three (3) beds plus one (1) space for resident manager.~~

~~b. Institutions and Places of Assembly.~~

~~1. Libraries, museums, art galleries—One (1) space per five hundred (500) square feet of floor area.~~

~~2. Churches, theaters, auditoriums, lodge halls and mortuaries:~~

~~(a) Assembly areas—One (1) space per fifty (50) square feet~~

~~(b) Administrative Office areas—One (1) space per four hundred (400) square feet.~~

~~3. Bowling alley—One and one half (1 1/2) spaces per lane.~~

~~4. Night clubs, dance halls—One (1) space per one hundred (100) square feet.~~

~~5. Public buildings, municipal and educational—One (1) space per three hundred (300) square feet, plus adequate space for visitors as determined by the Planning Director.~~

~~6. Child care facilities, including family day care—One (1) space per six hundred (600) square feet.~~

~~7. Skating rinks and swimming pools—One (1) space per fifty (50) square feet of skating or water area.~~

~~c. Commercial Office Uses.~~

~~1. Marinas—One (1) space per two (2) boat berths, except that live aboard berths shall require one (1) space per one (1) boat berth.~~

~~2. General retail, banks, minor repair services, One (1) space per two hundred (200) square feet of ground floor area; one (1) space per four hundred (400) square feet of~~

upper floor space including mezzanines;

Professional office, doctor and dentist offices (including hospital outpatient services), One (1) space per two hundred fifty (250) square feet.

Restaurants, less than four thousand (4,000) square feet gross area—One (1) space per one hundred (100) square feet of gross floor area; four thousand (4,000) square feet or more—forty (40) spaces, plus one (1) for each fifty (50) square feet of seating area over four thousand (4,000) square feet.

3. Work/live studios—One and one-half (1 1/2) parking spaces for up to one thousand (1,000) square feet of floor area plus one-half (1/2) additional space for every additional five hundred (500) square feet of floor area above the first one thousand (1,000) square feet subject to compliance with all other applicable requirements. The provided parking shall comply with the requirements of Section 30-7. This parking requirement may be waived or modified subject to the requirements of Section 30-15.4(d).

d. Manufacturing and Industrial Uses.

1. Warehouse, storage—One (1) space per one thousand five hundred (1500) square feet.

2. Manufacturing, major—One (1) space per eight hundred (800) square feet.

e. Similar Uses. Uses not specified above shall utilize the same rates as the most similar uses specified above. Uses not specified above and distinctly different from the above uses shall utilize a rate determined by the Planning Director based on demonstrated demand for comparable facilities. Where distinctly different uses are combined in a signal project, the parking requirement for each use shall be calculated separately, then combined for a total parking requirement for the project. Uses ancillary to a primary use shall utilize the same rate as the primary use.

Use	Measurement	Min.	Max.
Residential			
Dwelling units 3,000 sq. ft. or less in size	Per unit	2	-
Dwelling units more than 3,000 sq. ft. in size	Per unit	3	-
Dwelling units located above ground floor commercial or retail uses within the Community Commercial district	Per unit	1	2
Dwelling Unit Additions – Notwithstanding the requirements of subsection 30-20.4(a), when a dwelling unit is enlarged on a property that is not in compliance with the minimum required parking, an additional parking space shall be added for each 750 square feet of added floor area until compliance is achieved. An existing driveway may be considered as parking space(s) if the proposed space(s) conform to the requirements of subsections 30-7.8, and 30-7.9. Conformance with subsection 30-7.10.a is not required.			
Senior housing (The Planning Board may approve a lower number of spaces if a lower parking demand can be demonstrated for the proposal.)	Per unit	¾	-
Rooming house/bed and breakfast	Per room	1	-
	For Resident Family	1	-
Hotel/Motel	Per room	1 ¼	-
	For Resident managers	1	-
Hotel/Motel within Community Commercial district	Per room	1	1 ¼
	For Resident managers	1	-
Residential care facility of more than six persons	Per 3 beds	1	-
	For Resident managers	1	-

Institutions and Places of Assembly			
Libraries, museums, art galleries	Per 1,000 sq. ft.	2	-
Churches, theaters, auditoriums, lodge halls and mortuaries:			
Assembly areas	Per 1,000 sq. ft.	20	-
Administrative Office areas	Per 1,000 sq. ft.	2.5	-
Bowling alley	Per lane	1.5	-
Night clubs, dance halls	Per 1,000 sq. ft.	10	-
Public buildings, municipal and educational:	Per 1,000 sq. ft.	3.3	-
All areas	As determined by the Planning Director		
Visitor parking			
Child care facilities	Per 1,000 sq. ft.	1.7	-
Family day care with State license	Same as dwelling unit		
Skating rinks and swimming pools	Per 1,000 sq. ft. of skating/water area	20	-
Commercial Uses			
Marinas:	Per boat berth	0.5	-
	Per live aboard berth	1.0	-
General retail, banks, minor repair services			
Ground floor	Per 1,000 sq. ft.	5	-
Upper floor space including mezzanines	Per 1,000 sq. ft.	2.5	-
General retail, banks, minor repair services within the Community Commercial District			
Ground floor	Per 1,000 sq. ft.	2.9	5
Upper floor space including mezzanines	Per 1,000 sq. ft.	2.5	5
Professional office, doctor and dentist offices (including hospital outpatient services)	Per 1,000 sq. ft.	4	-
Professional office, doctor and dentist offices (including hospital outpatient services) within the Community Commercial District	Per 1,000 sq. ft.	2.5	4
Restaurants less than 4,000 sq. ft. or less in size	Per 1,000 sq. ft.	10	-
Restaurants more than 4,000 sq.ft. in size			
Seating area > 4,000 sq. ft.	Per 1,000 sq. ft.	20	-
General seating	Per restaurant	40	-
Restaurants within the C-C Community Commercial District	Per 1,000 sq. ft.	6.25	10
Work/live studios Floor area beyond the 1 st 1,000 sq. ft. (Parking requirement may be waived or modified subject to the requirements of Section 30-15.4(d).)	Per Studio	1.5	-
	Per 1,000 sq. ft.	1	-
Manufacturing and Industrial Uses			
Warehouse, storage	Per 1,000 sq. ft.	0.67	-
Manufacturing, major	Per 1,000 sq. ft.	1.25	-
Similar Uses			
Uses not specified above shall utilize the same rates as the most similar uses specified above.			
Uses not specified above and distinctly different from the above uses shall utilize a rate determined by the Planning Director based on demonstrated demand for comparable facilities			
Mixed Uses			
Where distinctly different uses are combined in a single project, the parking requirement for each use shall be calculated separately, then combined for a total parking requirement for the project.			
Uses ancillary to a primary use shall utilize the same rate as the primary use			

All square footage measurements in the table are for gross floor area unless otherwise specified.

30-7.7 Separate or Combined Use of Facilities.

Required parking may be shared between two (2) or more uses on the same or separate parcels subject to the following standard conditions:

- a. The shared parking facilities shall have sufficient spaces to meet the accumulated peak demand, as determined by the Planning and Building Director.
- b. The shared parking facilities shall include signs informing users that the facilities ~~be permanently that the facilities~~ are available to all affected uses.
- c. The shared parking facilities shall be within ~~four hundred (400)~~ one thousand (1,000) feet, by the shortest walking route, of the parcels with uses which generate the parking demand.
- d. A joint access and parking ~~an~~ agreement with a term of at least seven (7) years between the affected parties, including the City of Alameda, in a form approved by the City Attorney, shall be entered into and recorded to constitute a covenant running with all affected parcels of land, specifying the terms of use of the shared parking facilities.

30-7.8 Location of Parking Spaces and Prohibited Parking Areas.

All parking spaces ~~whether required or in excess of~~ by this section, shall be provided on the same parcel as the use which is generating the parking demand. ~~A use permit shall be required if parking spaces, whether required or in excess of this section, are proposed on a separate parcel than the use which is generating the parking demand.~~ Parking spaces provided in compliance with this section are subject to the following additional requirements:

- a. Residential Zones, and Residential Uses in Non-Residential Zones:
 1. No required parking space may be located in any minimum required front yard, or in any minimum required side yard on the street side of any corner lot. Parking spaces may be located within minimum required side and rear yards, subject to the requirements of subsection 30-7.10.a: Perimeter Landscaping Required.
 2. ~~The parking of vehicles within any minimum required front yard, or in any minimum required side yard on the street side of any corner lot, is prohibited.~~
~~(a) Exception to parking prohibition: Driveways used to provide access to required parking spaces may be used to provide ancillary parking provided the parking is not located in the required front yard or the street side yard of any corner lot. Driveways used for such ancillary parking may not exceed the~~

~~maximum permitted widths as prescribed by subsection 30-7.9.f.1(a). Such ancillary parking shall not be considered toward meeting the requirements of subsection 30-7.6: Schedule of Required Minimum Off-Street Parking Spaces.~~

~~3. See subsection 30-5.7f for additional provisions related to the location of garages.~~

~~b. Non-residential Uses in Non-residential Zones. Parking spaces may be located between the main building(s) and the street frontage(s), subject to the requirements of subsection 30-7.10.a: Perimeter Landscaping Required.~~

~~c. Non-residential Parking in Residential Zones. Parking for uses not allowed in a residential zone shall not be located in that residential zone.~~

~~3. 2. See subsection 30-5.7.f for additional provisions related to the location of garages.~~

- b. ~~Non-residential Uses in Non-residential Zones. Parking spaces may~~ shall not be located between the main building(s) and the street frontage(s), ~~subject to the requirements of subsection 30-7.10.a: Perimeter Landscaping Required,~~ The Planning Board may upon request approve parking located between the main building(s) and the street frontage(s) through Design Review approval if it can be demonstrated that (i) to locate the parking in conformance with subsection 30-7.8 b would not constitute a change in the existing conditions on the site, or (ii) the nature of the proposed use or the configuration of the property requires that some or all of the parking be located in front of the building, and (iii) the design of the parking area and driveways will not adversely impact pedestrian, bicycle, vehicular, or transit visibility, as defined by Section 30-5.14(b)10 or access in the vicinity of the site as determined by the Public Works Director.
- c. Non-residential Parking in Residential Zones. Parking for uses not allowed in a residential zone shall not be located in that residential zone.

Section 4. Section 30-7.9.f.2 of the Alameda Municipal Code is hereby amended to read as follows:

2. Curb Cuts.

(a) No more than one (1) curb cut per lot shall be allowed, except for service stations where access shall be limited to a maximum of two (2) curb cuts, unless otherwise approved by the Planning and Building and Public Works Directors. These service station access points may be directionalized (e.g. one way, no left turn etc.) at the discretion of the Public Works Director. Existing service stations

shall be brought into compliance whenever modifications requiring a permit are approved.

(b) Notwithstanding subsection (a) above, new curb cuts for automobile access to new, expanded, or existing off-street parking lots are prohibited on Park Street and Webster Street frontage within the CC zoning district. Existing curb cuts may be relocated, or access may be provided from a side street, provided that the property does not already include one curb cut on the side street or has sufficient frontage on the side street to safely accommodate the additional curb cut, as determined by the Public Works Director. If access cannot be provided from an existing, relocated, or side street curb cut, then the project applicant may request a waiver of this requirement or reduction in parking requirements in accordance with subsection 30-7.7, or 30-7.13 as approved by the Planning and Building and Public Works Directors.

(c) Whenever possible, applicants should consider combining driveways with existing adjacent developments or locate the driveway to allow for future joint access and parking agreements with redevelopment of adjacent properties.

Section 5. Section 30-7.11 of the Alameda Municipal Code is hereby amended to read as follows:

30-7.11 Design Review.

All parking lot improvements ~~visible from any public right of way~~, including parking lot fencing and landscaping, shall require Design Review under Section 30-37 et seq.

Section 6. Section 30-7.13 of the Alameda Municipal Code is hereby amended to read as follows:

30-7.13 Reductions in Parking Requirements.

(1) The schedule of required minimum off-street parking provided by subsection 30-7.6 may be reduced, upon approval of the Planning Board, if the applicant can demonstrate that parking demand will be reduced for the life of the project through one (1) or more of the following methods:

~~a. Transportation systems management techniques such as employees subsidies for public transit, employee subsidies for car and van pools, employer sponsored and organized car and van pools, free transit passes for shoppers in retail project, etc. To qualify for a parking reduction, the applicant must enter into an agreement with the City which includes monitoring and enforcement provisions as approved by the Planning Board.~~

~~b. Improvement of bus stops, including providing bus shelters, benches, turnout areas, etc.~~

~~c. Payment to the City of in lieu fees, equal to the current estimated per square foot value of the land, multiplied by the difference between the number of required and provided parking spaces, multiplied by two hundred fifty (250). In lieu fees shall only be allowed where the City can identify appropriate uses for the funds reasonably related to the project. Appropriate uses shall include but not be limited to acquisition of land for parking, construction of new parking facilities, improvements to existing off street or on street parking facilities including landscaping, installation of bicycle lanes and paths, and installation of bicycle racks and lockers. Funds raised by in lieu payments shall not be used for routine maintenance.~~

a. Transportation Demand Management (TDM) Program: TDM Program measures include programs, plans, and/or improvements designed to change individual travel behavior to encourage greater use of alternative modes of transportation, reduce single occupancy vehicles, and reduce parking demand. The program shall include proposed performance targets, and justifications for single occupancy vehicle trips and parking reductions, and shall designate a single entity, such as the property owner, business owner, or homeowners association to implement and monitor the required measures. The program shall also include a monitoring and reporting procedure and a list of supplementary measures that will be implemented if the initial performance targets are not met, as determined by the monitoring procedures. The monitoring reports shall be required and submitted two years after building occupancy and on a yearly basis thereafter for an additional 5 years. If the monitoring reports indicate that performance measures are not met, the responsible entity must implement the supplemental measures identified in the TDM Plan. The TDM Plan and monitoring and reporting procedure shall be prepared by a licensed transportation professional and approved by the Public Works Director. Failure to submit reports or meet performance targets after implementation of supplemental measures may result in the revocation of the project's use permit or approvals.

b. Parking Demand Study: A Parking Demand Study demonstrates that the demand for parking from the use is less than the minimum required by subsection 30-7.6. The parking demand study shall be prepared by a licensed transportation professional and approved by the Public Works Director.

c. Employee Parking Passes sufficient to meet the TDM plan demand reductions required under 30-17.13 a: Purchase of long term parking passes for employees to park at an existing public parking lot or structure within 1000 feet of actual walking distance of the site may be provided in lieu of off-street parking on the site. The long-term passes must be provided and maintained for as long as the business is in operation. The proposal must include an annual reporting mechanism to confirm

that the employee parking passes are being purchased by the business requesting the parking reduction.

d. Off-street Parking Improvements: Improvement of public parking facilities including but not limited to provision or acquisition of land for public parking, construction of new public parking facilities, improvements to existing off-street or providing additional on-street parking facilities may be proposed in-lieu of providing on-site parking. To approve the proposed improvements in lieu of on-site parking, the Planning Board must find that the proposed improvements will result in additional public off-street parking spaces equivalent in number to the number of spaces that will not be provided on the site. The applicant shall agree to complete the improvements prior to obtaining a permit to occupy the building, whether permanently or temporarily.

e. Unbundled Pricing. Separating or "unbundling" the cost of parking from the cost of the lease or the cost of a condominium unit in a multi-unit residential or commercial condominium project may be proposed to reduce the off-street parking requirement.

(2) When considering a request for a parking reduction pursuant to one or more of the methods available pursuant to (1) above, the Planning Board may condition approval of the reduction upon agreement that all or some of the existing parking shall be made available for shared use with signs indicating that the parking may be used by the public even if the user is visiting a nearby, off-site business. Applicant may charge a fee for shared visitor parking to cover its costs to maintain and operate the parking.

(3) If the Planning Board approves a parking reduction, the number of bicycle parking required on site shall be determined by the original number of parking spaces required by this code and shall not be reduced unless specifically reduced by the Planning Board.

Section 7. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provision of this ordinance.

Section 8. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Section 9. California Environmental Quality Act (CEQA). The proposed amendments are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations.

Presiding Officer of the Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the _____ day of _____, 2011, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of _____, 2011.

Lara Weisiger, City Clerk
City of Alameda